

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case Number: 22-21649-CIV-MORENO

WALTER ESCOBAR,

PLAINTIFF,

V.

CHEF CREOLE INC.,

Defendant,

**DEFENDANT’S MOTION FOR SANCTIONS AGAINST PLAINTIFF FOR FAILING
TO ATTEND MEDIATION**

Defendant, Chef Creole Inc. (“Defendant”) hereby moves this Honorable Court to sanction Plaintiff for failing to comply with this Court’s order to mediate.

This Honorable Court on September 6, 2022 entered its Order Scheduling Mediation. Said mediation was initially scheduled for September 9, 2022. The parties agreed to reschedule the mediation to occur Monday, September 26, 2022. On September 26, 2022, as detailed in the Mediator’s Report Defendant’s Corporate Representative; Defense Counsel; Plaintiff’s Counsel were present. However, Plaintiff failed to appear. This Court ordered the parties to appear for mediation. Plaintiff has violated this Court’s Order and therefore should be sanctioned.

This Court should impose sanctions on Plaintiff for his total disregard of the Court’s Order of September 6, 2022.

Defendant hereby requests sanction of dismissal of this case. Pursuant to Federal Rule of Civil Procedure 41 (b), the district court may dismiss an action for failure to comply with any order of the court. District courts have inherent power to enforce compliance with orders. *United States v. Barnette*, 129 F.3d 1179, 1182 n. 7 (11th Cir. 1997).

WHEREFORE, Defendant respectfully requests this Honorable Court **GRANT** the instant Motion as set forth above.

DATED this 27 day of September, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: Anthony M. Georges-Pierre
Anthony M. Georges-Pierre, Esq.

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